11-15-04



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Vargas, Jaime; et. al.

Assignee:

Cardica, Inc.

Title:

Tool for Performing End-to-End Anastomosis

Serial No.:

10/083,235

Filing Date:

February 26, 2002

Examiner:

Bradford C. Pantuck

Group Art Unit:

3731

Docket No.:

109

November 12, 2004

Mail Stop AF Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

## NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES (UNDER 37 CFR §1.191)

Sir:

Applicants hereby appeal the Final Rejection of Claims 1-4, 6-8, 11, 12 and 14-16 in the Examiner's Final Office Action of October 1, 2004 to the Board of Patent Appeals and Interferences. Enclosed is check no. 10823 in the amount of \$170.00 for this Notice of Appeal as set forth in 37 CFR §1.17(b).

No extension of time is believed to be required. If, however, an extension of time is required, please provide such extension of time, and please charge Deposit Account No. 502108 for the extension fee. Please charge any amounts underpaid or credit any amounts overpaid to Deposit Account No. 502108.

**EXPRESS MAIL LABEL NO.:** 

EV430390243US

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170.00 OP

Brian A. Schar, Esq.

Respectfully submitted,

Attorney of Record

Reg. No. 45,076 Cardica, Inc.

900 Saginaw Drive

Redwood City, CA 94063

(650) 331-7162

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11/16/2004 HALI11



November 12, 2004

Docket No.: 109

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Commissioner For Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Re:

Applicant(s):

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## Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- (1) Return Receipt Postcard;
- (2) This Transmittal Letter;
- (3) Notice of Appeal; and
- (4) Check no. 10823 in the amount of \$170.00.

$\boxtimes$	for timely filing of the enclosed document(s) after all papers filed w			
	transmittal have been considered, an extension of time is hereby required Please charge our Deposit Account No. 502108 in the amount of			0.00
	Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502108.			
	To	tal·	2	170.00

EXPRESS MAIL NO. EV430390243US

Respectfully submitted,

Brian A. Schar Attorney for Applicant(s) Reg. No. 45,076 (650) 331-7162 Cardica, Inc. 900 Saginaw Drive

Redwood City, CA 94063